



Paper No. 13

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**OFFICE OF PETITIONS**

In re Application of	:	
Hansen, et al.	:	
Application No. 09/660,785	:	ON PETITION
Filed: September 13, 2000	:	
Attorney Docket No. 1692	:	

This decision addresses the petition to revive under 37 CFR 1.137(b) and the petition under 37 CFR 1.47(a) to accord Rule 47 status to the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

A review of the file reveals that on October 27, 2000, the Office mailed a Notice to File Missing Parts of Nonprovisional Application to petitioners, which set forth a two (2) month period to submit the required payment of a \$130.00 surcharge under 37 CFR 1.16(e) and an executed oath or declaration. On April 27, 2001, a petition for a four month extension of time and authorization to charge the required fee, a partially executed declaration, the surcharge, the petition fee, and the instant petition were filed.

As stated in the July 19, 2001 dismissal of the April 27, 2001 petition under 37 CFR 1.147(a), although petitioner filed a petition under 37 CFR 1.47(a) on July 24, 2001, petitioner did not have enough money in petitioner's deposit account to pay for the \$1,390.00 4 month extension of time fee. Accordingly, this application was properly held abandoned as of December 28, 2000.

**Petition under 37 CFR 1.137(b)**

Petitioners have satisfied the requirements of a grantable petition under 37 CFR 1.137(b). Petitioners have supplied a petition, the petition fee, an acceptable declaration, and a statement that the entire delay in responding to the outstanding requirements was unintentional.

Accordingly, the petition to revive is granted.

**Petition under 37 CFR 1.47(a)**

Petitioners have shown that the non-signing inventor, Benjamin E. Hansen, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Chad S. Hilyard establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the written request that he sign the declaration and a telephone message. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Regarding finances, it appears that petitioners have been charged the \$130.00 Rule 47 petition fee twice. Accordingly, petitioners' deposit account, No. 2-1430 will be refunded one of these fees.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



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for Patent Examination Policy